REMARKS

The Final Office Action, mailed December 26, 2007, considered claims 1–13, 21–30, 32 and 33. Claims 1, 3–5, 8, 10, 11, 21–30, 32 and 33 were rejected under 35 U.S.C. § 102(b), as being anticipated by Traw et al., U.S. Patent No. 6,542,610 (filed Aug. 11, 1997) (hereinafter Traw). Claims 2, 6–7, 9 and 12–13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Traw.[1]

By this response, claims 1, 8, 21, and 26 are amended such that claims 1–13, 21–30, and 32–33 remain pending.[2] Claims 1, 8, 21, 26, 32, and 33 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 74–79 and Fig. 6.[3]

As reflected in the claims, the present invention is directed generally toward methods, systems, and computer program products for requesting and providing proof that a system is appropriately configured to access a resource. Claim 1 recites, for instance, in combination with all the elements of the claim, a method which includes receiving a challenge including information indicating how a system is to prove it is appropriately configured to access a resource where the information includes at least the identity of a region within a portion of instructions at the requesting computing system computed from a first random value and a second random value. The method also includes formulating proof based upon a measurable aspect of the system's configuration that the system's configuration is appropriate for accessing a resource. Finally, the method includes submitting an assertion that can be used to verify that the system is appropriately configured to access the resource.

Claim 8 is a method similar to that of claim 1 but is recited from the perspective of a providing system as opposed to the perspective of a requesting system as in claim 1.

Claim 21 recites, in combination with all the elements of the claim, a method of authorizing a requester to interact with a provider which includes receiving a configuration challenge from the provider which includes information indicating how the requester is to prove that it is

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney John Bacoch (reg. no. 59,890) and attorney Thomas Bonacci.

[3] However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

appropriately configured to interact with the provider. Proof is formulated based upon a measurable aspect of the requester's configuration that the configuration is appropriate for accessing a resource where the measurable aspect includes at least a region within a portion of executable instructions. Proof of the values of one or more measurable aspects of the requester are sent to the provider. Finally, a token that can be used to prove that the requester is appropriately configured is received. Claim 32 is a computer program product embodiment of the method of claim 21.

Claim 26 recites, in combination with all the elements of the claim, a method similar to the method of claim 21 but which is recited from the perspective of the provider (system) as compared to the requestor.

Claim 33 recites a computer program product embodiment of the method of claim 26.

Rejections Under 35 U.S.C. § 102:

Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by Traw.[4] Claim 1 has now been amended and the Applicants submit that Traw fails to teach each and every element of the claim as now recited.

In particular, Traw fails to teach receiving a challenge initiated by the providing application, the challenge including information indicating how the requesting computing system is to prove that the requesting computing system is appropriately configured to access a resource, the information comprising at least the identity of a region within a portion of instructions at the requesting computing system computed from a first random value and a second random value.

Because of at least the distinctions noted above, Traw fails to teach each and every element as recited in claim 1, a rejection under 35 U.S.C. § 102 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 1.

Claim 8 was rejected under 35 U.S.C. § 102 as being anticipated by Traw.[5] Claim 1 has now been amended and the Applicants submit that Traw fails to teach each and every element of the claim as now recited.

In particular, Traw fails to teach using a first random value and a second random value to identify one or more regions within a portion of instructions at the requesting computing system.

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[4] Office Communication p. 3 (paper no. 20071218, mailed Dec. 26, 2007).
[5] Office Comm. p. 5.

Further, Traw fails to teach causing a configuration challenge to be issued to the requesting instructions, the challenge including information indicating how the requesting computing system is to prove that the requesting computing system is appropriately configured to access a resource, the information comprising at least the identity of a region within a portion of instructions at the requesting computing system computed from a first random value and a second random value.

Because of at least the distinctions noted above, Traw fails to teach each and every element as recited in claim 8, a rejection under 35 U.S.C. § 102 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 8.

Claim 21 was rejected under 35 U.S.C. § 102 as being anticipated by Traw.[6] Claim 21 has now been amended and the Applicants submit that Traw fails to teach each and every element of the claim as now recited.

In particular, Traw fails to teach formulating proof, based on a measurable aspect of the requester's configuration, that the measurable aspect of the requesting computing system's configuration is appropriate for accessing a resource the measurable aspect comprising at least a region within a portion of executable instructions.

Because of at least the distinctions noted above, Traw fails to teach each and every element as recited in claim 21, a rejection under 35 U.S.C. § 102 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 21.

As claim 32 is a computer program product embodiment of the method recited in claim 21, the discussion of claim 21 above also applies to claim 32. Accordingly, the Applicants respectfully request favorable reconsideration of claim 32.

Claim 26 was rejected under 35 U.S.C. § 102 as being anticipated by Traw.[7] Claim 26 has now been amended and the Applicants submit that Traw fails to teach each and every element of the claim as now recited.

In particular, Traw fails to teach an act of receiving proof of the values of one or more measurable aspects of the requester's configuration the one or more measurable aspects comprising at least a region within a portion of executable instructions.

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[6] Office Comm. p. 6.
[7] Office Comm. p. 8.

Because of at least the distinctions noted above, Traw fails to teach each and every element as recited in claim 26, a rejection under 35 U.S.C. § 102 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 26.

As claim 33 is a computer program product embodiment of the method recited in claim 26, the discussion of claim 26 above also applies to claim 33. Accordingly, the Applicants respectfully request favorable reconsideration of claim 33.

Rejections Under 35 U.S.C. § 103:

Claims 2, 6, 7, 9, and 12–13 were rejected under 35 U.S.C. § 103 as being obvious in view of Traw.[8] In view of the amendments to the independent claims and the discussion above, the Applicants submit that a discussion of the dependent claims is now moot. However, the Applicants respectfully and particularly traverse the basis for rejections of at least claims 6 and 12 as asserted by the Office Action.

In particular, the Applicants note that the Office Action admits that Traw fails to disclose that the "assertion indicates either the identity of one or more portions of the requesting instructions or the execution environment, [or] that the act of receiving proof that the requesting instructions are appropriately configured for accessing the resource comprises an act of receiving proof of the values of either the identity of one or more portions of the requesting instructions or measurable aspects of the execution environment."[9] However, the Office Action asserts that "it would have been obvious to one of ordinary skill in the art at the time of invention to identify the requesting instruction or execution environment as property information about the device being authenticated . . . ."[10]

The Applicants note that a prima facie case of obviousness under 35 U.S.C. § 103 requires that the prior art reference(s) must teach or suggest all the claim limitations.[11] As the Office Action admits that the prior art reference fails to teach the relevant limitation, the Applicants respectfully submit that a rejection based upon an assertion of a limitation being obvious – absent a teaching or suggestion in a prior art reference – would be in error. If the Examiner is, in the

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[8] Office Comm. p. 9.
[9] Office Comm. p. 10
[10] Office Comm. p. 10
[11] See MPEP § 2143.

alternative, asserting that the asserted limitations are somehow inherent or implicit within the cited reference, then the Applicants respectfully request the evidence or rationale for such inherency or implication. Absent the evidence, rationale, or official notice which would be required, the Applicants respectfully submit that it would be in error to assert such limitations are "obvious" in view of the cited prior art which admittedly fail to teach such limitations.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 26th day of March, 2008.

Respectfully submitted,

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